THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.29823 of 1997
Date: 23-03-2007

Between:
Ballamudi Suryanarayana

Petitioner

And

The Presiding Officer, Labour Court, Guntur and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.29823 of 1997

ORDER:

1. This writ petition has been instituted calling in question the correctness of the Award passed by the first respondent-Labour Court, Guntur, which had confirmed the orders passed by the second respondent removing the petitioner from service.

2. The writ petitioner asserts that while he was working with a private bus operator, the route was nationalized and consequently he came to be appointed as a Conductor on 25.07.1991 in the service of the A.P.S.R.T.C. Suspecting that he had produced false certificate at the time of his employment, he was initially placed under suspension and was subject to disciplinary enquiry. Since the charges laid against him are held proved he has been inflicted with the punishment of removal from service which was upheld in appeal by the Regional Manager. The charge against the writ petitioner was that at the time of the interview conducted by the respondent corporation in support of his claim as a displaced employee, the writ petitioner, had produced a certificate that he had worked as a Supervisor with a private bus operator on his vehicle No.A.P.2226 belonging to M/s. Kodali & Sons Motor Transport, Gudivada. He claimed to have worked with effect from 15-05-1988. Unfortunately, the writ petitioner seems to have worked as a Helper with the Gowthami Solvent Oils Ltd., Tanuku between 9th July,1985 and 31-12-1990 and concealed this fact from the notice

and knowledge of the APSRTC at the time of interview. In substance, the A.P.S.R.T.C. alleges that the writ petitioner could not be employed both with the private transport operator, whose route has been nationalized as well as with the Gowthami Solvent Oils Ltd., Tanuku. The explanation offered by the writ petitioner was that he was only working on a part time basis with the Gowthami Solvent Oils Limited and his full time service was with the private bus operator. The Enquiry Officer did not consider the explanation offered by the writ petitioner as fair and believable consequently he held the charge proved for having improperly secured the employment with the respondent corporation. The Depot Manager has imposed the punishment of removing from service as already stated which was confirmed in the appeal by the Regional Manager.

3. No person can be in employment with two different employers simultaneously for the same period, that too at different places. If the writ petitioner had not disclosed the entire material which he was required to disclose faithfully and truthfully, he himself has to blame. It would have been a different matter that in spite of his disclosing all the facts faithfully if he were to be still selected, the blame would not lie at his door step. But in the instant case, the explanation offered by the writ petitioner for not disclosing his employment with the Gowthami Solvent Oils Limited was that it was purely a part time employment where he was performing the duties in shifts, therefore, his employment with the private bus operator could not be disturbed. The findings recorded by the Enquiry officer are based upon the material that was brought on record. They cannot be characterized as perverse findings calling for any interference. Similarly, the findings recorded by the Tribunal to come to the conclusion that the writ petitioner is guilty of the charge are fair and reasonable and consequently do not warrant any interference by invoking certiorari writ jurisdiction.

4. I therefore, do not find any merit in the writ petition and the same is dismissed, but however, without costs.

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NOOTY RAMAMOHANARAO, J

23-03-2007
Stp